IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO. 1823 OF 2004
IN
NOTICE OF MOTION NO. 2710 OF 2003
IN
SUIT NO. 2557 OF 2003

Housing Development finance Corporation Ltd. .... Plaintiff
v/s.
Sangani Narendra Madhusudan and Ors. ..... Defendants

Mr. Sudeshi with Mr. Lonshe i/b. M/s. Sanjay Udeshik and co. for the applicant.
Mr. P.R. Naidu with K.M. Sanghavi and Co. for defendant no.1.
Mr. S.N. Kadam, 2nd Assistant for Court Receiver present.

CORAM: S.U. KAMDAR, J.

DATE : 24TH FEBRUARY, 2005.

P.C. :

1. The learned Counsel appearing for the defendant no.1 makes a statement that he shall deposit the royalty amount of Rs.5,000/- per month in accordance with the order dated 19.12.2003 passed

in Notice of Motion no. 2710 of 2003 and shall continue to deposit the said amount every succeeding month on or before tenth of each month. The defendant no.1 also agrees to deposit the arrears amount on the basis of Rs.5,000/- per month within a period of four weeks. It is made clear that in default of either in deposit of the said arrears or any three defaults in making the payment of royalty amount every month, the court receiver to forthwith take possession and the defendant no.1 should be removed from the suit premises. The Court Receiver is further directed that the aforesaid amount so deposited by the defendant no.1 be deposited in fixed deposit of any nationalised bank initially for a period of one year and renew the same from time to time till further orders.

2. Defendant no.1 states that he and his family members is residing and nobody else is residing in the suit flat of which mortgage is claimed by the plaintiff. He also gives an undertaking that he shall not create any third party rights either by way of alienation, encumbrance or by parting with

the possession of the suit premises till further orders from this court.

3. It is made clear that the present order is passed without prejudice to the rights of the defendant no.1 in the pending Notice of Motion No. 2710 of 2003 and the defendant no.1 will be entitled to raise all contentions on merits. Chamber Summons is disposed off accordingly.

sd/-

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